



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Whitted

Application No: 10/677,107

Filed: September 30, 2003

Title: Cabinet Structures Resistant to Racking
Deformation for Rack Mount
Computing Systems

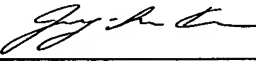
Attorney Docket No. GOOGP012

Examiner: Johnson, Blair M

Art Unit: 3634

CERTIFICATE OF MAILING OR TRANSMISSION

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Signed: 

Name: Jung-hua Kuo

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests review of the final rejection mailed on October 26, 2005 in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheets (3 pages).

Note: No more than five (5) pages may be provided.

I am the:

- ☒ attorney or agent of record. Registration Number 41,918.
☐ attorney or agent acting under 37 CFR 1.34. Registration Number _____.
☒ If the required fees are missing or any additional fees are required during the pendency of the subject application, please charge such fees or credit any overpayment to Deposit Account No. 50-1217 (Order No. **GOOGP012**). A copy of this sheet is enclosed.

Respectfully submitted,



February 27, 2006

Date

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Reasons For Pre-Appeal Brief Request For Review

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The reasons for the Pre-Appeal Brief Request for Review are set forth below.

In rejecting claims 1-14 under 35 U.S.C. §102(a), the Examiner did not establish that Anderson (USPN 6,605,777) discloses or teaches all elements of the claimed invention so as to render the claims anticipated by Anderson

Claims 1-14 stand rejected under 35 U.S.C. §102(a) as being anticipated by Anderson et al.

However, independent claim 1 generally recites that the frame structure is *configured* to receive the rack mount electronics modules such that each module generally extends between the front and rear sides, between the first and second sides, and are generally parallel to the first rails and generally orthogonal to the corner supports.

Similarly, independent claim 8 generally recites that the rack is *configured* to receive the rack mount electronics modules such that each module generally extends between the front and

rear sides and are generally parallel to the first rails and generally orthogonal to the corner posts of the first side wall.

Such configurations are positive elements of the frame structure (in claim 1) or the rack (in claim 8). Examples of suitable structural configurations include pairs of opposing shelf supports, slide assemblies, or any other suitable support structure to support the electronics modules. (See Specification, paragraph [0022]: “The support columns 14 and/or side walls 22 the may provide surfaces on which to mount pairs of opposing shelf supports, slide assemblies, or any other suitable support structure (not shown) to support the stack of electronics modules 20.”)

In other words, the configurations as recited in claims 1 and 8 positively recite structures for receiving electronic modules. Simply because the electronic modules are not claimed does not render the positively recited configurations of the frame (claim 1) or rack (claim 8) as merely functionally recited. Rather, the structure of the frame or rack are configured and, thus structurally recited, as expressly recited.

In contrast, Anderson discloses side assemblies 26 that extend between a top and bottom panel assembly 22, 24. Each side assembly 26 includes two corner support channels each in the form of a corrugated and chamfered support member 28 and a series of cross strut members 30 anchored therebetween. (Col. 3, lines 39-44). As shown in FIG. 14b, the chamfered support member 28 may be angled inward from the top and bottom panel assemblies 22, 24.

However, each chamfered support member 28 are configured such that they are generally orthogonal to the electronics modules to be received therein.

With respect to the cross bar extending between the first and second front corner posts as generally recited in dependent claim 12, Anderson clearly shows that the cross strut members 30 extend between the chamfered support members 28 and not between the corner posts. Because the Examiner interprets the corner posts of independent claim 8 as being read on by the top and bottom panel assemblies 22, 24, the Anderson’s cross bars (cross strut members 30) are parallel to the corner posts and clearly do not extend therebetween.


Withdrawal of the rejection of independent claims 1 and 8 as well as claims dependent variously therefrom under 35 U.S.C. §102(a) is respectfully requested.

CONCLUSION

Because the Examiner's rejections of claims 1-14 include legal deficiencies with regard to 35 U.S.C. § 102(a) and the MPEP, Applicants are entitled to a pre-appeal brief review of the final rejection. And based on the foregoing arguments, Applicants request that the rejection of these claims be withdrawn and the pending claims be allowed.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **50-1217** (Order No. **GOOGP012**).

Respectfully submitted,



February 27, 2006
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